

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 2438 – HB 2733

March 13, 2012

SUMMARY OF AMENDMENT (014516): Deletes all language after the enacting clause. Broadens the existing Class E felony offense of indecent exposure to include a sexual offender, violent sexual offender, or violent juvenile sexual offender. Increases the punishment for stalking, from a Class A misdemeanor to a Class E felony, if the defendant, at the time of the offense, was required to or was registered with the Tennessee Bureau of Investigation (TBI) as a sexual offender, violent sexual offender or violent juvenile sexual offender, as defined in Tenn. Code Ann. § 40-39-202.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures - \$63,100/Incarceration*

Assumptions applied to amendment:

- According to the Department of Correction (DOC), there has been an average of one admission for indecent exposure where the victim was under the age of thirteen for second or subsequent convictions. DOC assumes one additional Class E admission for sexual offenders charged with indecent exposure every five years.
- According to DOC, the average operating cost per offender per day for calendar year 2012 is \$61.36. The average post-conviction time served for a Class E felony is 1.28 years (467.52 days) at a cost of \$28,687.03 (\$61.36 x 467.52 days). The annualized cost per offender is \$5,737.41 (0.20 annual number of convictions x \$28,687.03).
- Per TBI criminal statistics, there were 243 arrests for stalking offenses in 2010. DOC assumes 10 percent or 24 of the total arrests will lead to a conviction (243 x 10%). DOC assumes 10 percent or 2 of those 24 convictions will be committed by a sexual or violent sexual offender resulting in 2 additional Class E admissions each year. The additional operating cost for two offenders is \$57,374.06 (\$28,687.03 x 2 offenders).
- The total additional operating cost is \$63,111.47 (\$5,737.41 + \$57,374.06).

- Any increase in state trial courts can be accommodated within existing resources without an increased appropriation or reduced reversion.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/lsc